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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,998	01/17/2002	Nicholas J. Elsey	41698-1036	9128

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EXAMINER

CHOULES, JACK M

ART UNIT PAPER NUMBER

2167

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/051,998

Applicant(s)

ELSEY ET AL.

Examiner

Jack M. Choules

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18,20-28,51-65 and 67-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18,20-28,51-65 and 67-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18, 20-28, 51-65 and 67-74 are presented for examination. Claims 29-50 and 75-92 have been cancelled by applicant's amendment dated 5 February 2005 and claims 19 and 66 canceled in the amendment dated 26 July 2005.

Response to Arguments

2. Applicant's arguments with respect to claims 1-18, 20-28, 51-65 and 67-74 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 62-63 and 70-74 and are rejected under 35 U.S.C. 102(b) as being anticipated by Baals et al, [hereinafter Baals] Patent No US 6,016,336 A.

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5. As to claim 62, Baals teaches: “A method employed by an information assistance service for providing information assistance comprising: receiving, from a user, a plurality of information assistance requests” (column 4, lines 59-68 and column 5 lines 1-4) “in response to the information assistance requests, assisting the user to establish communication connections to third parties unaffiliated with the information assistance service” (column 5, lines 4-5); “generating data in establishing the communication connections” (column 4, lines 59-67); “tracking for the user a subset of the communication connections based on the data, the number of communication connections in the subset being predetermined” (column 4, lines 59-65); and “providing the information concerning the subset of the communication connections at a predetermined data location accessible to the user” (column 4, lines 59-67).

6. As to claim 63, Baals teaches “The method of claim 62 wherein the predetermined data location is accessible through a communication network” (column 2, lines 56-67).

7. As to claims 70-74, Baals describes “data concerns events” (column 4, lines 59-68 and column 5 lines 1-5) the data concerns the events of searching for entities and selecting extensions to connect the call to.

8. As to claims 16-17, Baals further shows and “an communication network” (column 2, lines 56-67).

9. As to claims 24-28, Baal describes “data concerns events” (column 3, lines 42-67, and column 4 lines 1-27) the data concerns the events of searching for entities and selecting extensions to connect the call to.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 1, 5, 14, 51 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuftedjian et al. [hereinafter Kuftedjian] US patent No. 6,263,053 B1 in view of Statham et al. [hereinafter Statham] US Patent No. 6,868,152 B2. Note: Kuftedjian was cited in the office action mailed January 2005.

13. As to claims 1, 5 and 51, Kuftedjian describes: "A system for providing an information assistance service comprising: a database (column 4, lines 49-55); an interface for receiving, from a plurality of parties, communication calls requesting information, the database being searched for the requested information, the requested information including at least connection

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information associated with a destination party desired by at least one of the parties (column 4, lines 49-67 and column 5, lines 1-10); and a mechanism for connecting a communication call from the at least one party to a communication device associated with the destination party based on the connection information (column 5, lines 2-10).

14. Kuftedjian does not detail “one or more devices for generating data in processing the communication calls; and a processor for deriving statistical information from the data, the statistical information being used for responding to information requests in future communication calls. However Statham does detail generating call data (column 5, lines 60-67, column 6, lines 1-21 and column 7, lines 29-67) and deriving statistical information from call data (column 8, lines 25-58 and column 14, lines 2-22).

15. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the concepts of Statham with Kuftedjian because doing so would allow a tracking or the call processing system and provide statistics as requested.

16. As to claims 14 and 61, Kuftedjian and Statham do not detail “travel” however, movies are well known in the art and it would be obvious for an operator service to be able to provide address and or directions because doing so would allow the calling party to be able to find a customers location.

17. Claims 2-4 and 6, and 52-54 are rejected under 35 U.S.C. 103(a) as being anticipated by Kuftedjian and Statham as applied to claims 1 and 51 above, and further in view of Boyle et al. Patent No. US 6,138,158.

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18. As to claims 2, 3, 52, and 53, Kuftedjian does not detail “wireless” describing only Internet services Boyle et al. describes a system in which “wireless telephones” are used to connect to Internet services (figure 1, note 112, 104, 106, 116, column 4, lines 58-67 and column 5, lines 1-23).

19. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the concepts of Boyle with Kuftedjian and Statham because doing so would allow a the caller to access the call processing system from anywhere and at any time using a device as simple and compact as a mobile phone (Boyle column 1, lines 12-67) further mobile phones were in wide use and allowing them to access the service would extend the utility of the invention.

20. As to claims 4 and 54, Boyle does not specifically include “a personal information manager (PIM)” However he does detail a computer, a mobile phone and a personal digital assistant (PDA) it would also be obvious to use a PIM (figure 1 and column 1, lines 26-49).

21. As to claims 6, Boyle teaches “switching facilities” (column 5, lines 37-58).

22. Claims 7-10, and 55-57 are rejected under 35 U.S.C. 103(a) as being anticipated by Kuftedjian and Statham as applied to claims 1 and 51 above, and further in view IBM “Method for Data Mining the Statistics of an Internet Yellow Pages Web Service.”

23. As to claims 7, Golding and Kuftedjian, Statham do not describe, “one or more devices include a facility for accessing the database.” IBM details, “the one or more devices include a facility for accessing the database” (page 3, lines 1-22). It would have been obvious to one of

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ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Kuftedjian, and Statham with IBM because accessing the database would provide a source for data for the statistics.

24. As to claims 8, 10, 55, and 57, IBM details, "data concerns events" (page 3, lines 1-22).

25. As to claims 9 and 56, IBM details, "search categories" (page 3, lines 1-22).

26. Claims 11-13 and 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuftedjian, Statham and IBM as applied to claims 1, 8, and 10 or 51, 55, and 57 above, and further in view of Golding et al. Patent No. US 6,640,218 B1.

27. As to claims 11 and 58, Kuftedjian, Statham and IBM do not detail "selected as a function of the number of searches..." although IBM does specify counting number of times selected (page 3, lines 8-19) Golding describes a system including "selected as a function of the number of searches" (column 7, lines 50-64, column 12, lines 62-67 and column 13, lines 1-16).

28. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Golding with Kuftedjian, Statham and IBM because Golding provides a ranking based on the popularity of an item based on recent interest as shown by searches run on the data base system improving the versatility of the DB system.

29. As to claims 12 and 59, IBM details "restaurants" (column 18, lines 61-67 and column 19, lines 1-3).

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30. As to claims 13 and 60, IBM does not detail “movies” however, movies are well known in the art and it would be obvious for a Yellow Pages Web Service to be able to find a the location showing the movies.

31. Claims 15-18, 20-28, 64, 65, and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baals as applied to claim and 62 and further in view of De Boor et al [hereinafter De Boor] US Patent No 6,173,316.

32. As to claims 15, claim 15 is similar to claim 62 except that it is a system including a Server to providing information concerning the subset of the communication connections at a predetermined data location. Baals does not detail or connect to a server. However, De Boor shows a system that connects to the WWW (see abstract) and would thus connect to a server it would be obvious to store the data of De Boor on a server for backup purposes because the mobile phone could be lost or damaged.

33. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the concepts of De Boor with Baals as De Boor extends the concepts or Baals to the wireless phone markets (see abstract and column 13, lines 10-27) expanding the utility of the communication system.

34. As to claims 16, Baals further shows and “an communication network” (column 2, lines 56-67).

35. As to claims 17, 18, 64 and 65 De Boors does specify the Internet (see abstract) and “a uniform resource locator” (column 11, lines 11-19).

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36. As to claims 20, 21, 67, and 68, De Boors teaches “wireless telephones” (see abstract).

37. As to claim 23, De Boors details “switching facilities” (column 9, lines 7 and 15).

38. As to claims 24-28, Baal describes “data concerns events” (column 3, lines 42-67, and column 4 lines 1-27) the data concerns the events of searching for entities and selecting extensions to connect the call to.

39. As to claims 22, and 69, De Boors does not describes including “a personal information manager (PIM)” However he does detail and a mobile phone with a processor memory and I/O it would also be obvious to use a mobile computer such as an PIM (column 9, lines 16-30).

Conclusion

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Downs et al. 2002/0172336 A1 Recent calls list downloaded to computer (fig. 20).

Toshiki JP11355193 A Statistics on call connection.

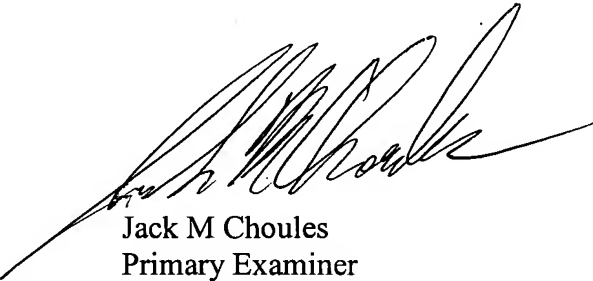
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack M. Choules whose telephone number is (571) 272-4109.

The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean R. Homere can be reached on (571) 272-3780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack M Choules
Primary Examiner
Art Unit 2167

19 October 2005